IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7883 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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SHIVCHEM INDUSTRIES - Petitioner(s)

Versus

ALLWIN CHEMICALS &PHARMACEUTICALS - Respondent(s)

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Appearance :

MR SHITAL R PATELfor Petitioner No(s).: 1.

RULE SERVED BY DS for Respondent No(s).: 1.
RULE UNSERVED for Respondent No(s).: 1.

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CORAM :HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 07/07/2005

ORAL JUDGMENT

Having heard Mr. Shital R. Patel, learned advocate of the petitioner and on perusal of the impugned order dated 7.4.2003 recorded below application exh.19 in Civil Misc. Application No. 439 of 2002 by the learned Judge Court No.5, City Civil Court, Ahmedabad by which application exh.19 is rejected and the Registrar, City Civil Court, Ahmedabad was directed to return the record and proceedings of Civil Misc. Application No. 439 of 2002 to the Court of Small Causes Court, Ahmedabad, for disposal according to law in view of the provisions contained under Section 8 of the Presidency Small Cause Courts (Gujarat Amendment) Act 2002 (Gujarat Act No. 17 of 2002), according to this Court no illegality is committed by the learned Judge, in passing the impugned order, therefore petition lacks merit, deserves to be rejected. Hence rejected. Rule is discharged. No order as to costs.

It is expected of the Presidency Small Cause Court, Ahmedabad to comply with the order and proceed the hearing of Civil Misc. Application No. 439 of 2002 at the earliest and to dispose of the same as early as possible, preferably on or before 31.10.2006.

(A.M.Kapadia,J)

Jayanti*